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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/624,731 | 07/25/2000 | Bernd Ehrenberg | 3926.009 | 6701 |

7590 03/29/2004

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EXAMINER

FREJD, RUSSELL WARREN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2128

DATE MAILED: 03/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

P24

Office Action Summary

Application No.

09/624,731

Applicant(s)

EHRENBURG ET AL.

Examiner

Russell Frejd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

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Examination of Application #09/624,731

1. Claims 1-25 of application 09/624,731, filed on 25-July-2000, are presented for examination.

Objections to the Drawings

2. The drawings are objected to because they are missing from the application. The examiner found them attached to the German language application copy, but there were no drawings in the U.S. application.

Claim Rejections under 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3.1 Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Collier, U.S. Patent No. 5,463,838.

- 3.2 Collier disclosed the invention as claimed, including, in regard to claim 1, CAD/CAM techniques [c. 1, l. 48] for identifying and recording pathways of carriers, or bundle of carriers, such as a cable, which are installed within a building or other structure [c. 3, l. 20-5] (*applicant's process for laying out a cable wiring structure with a data processor*);

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making a comparison between existing carriers and the instruments they service [c. 8, l. 61] (*multiple devices distributed about the structure*);

the "connectorization" of the carrier [c. 8, l. 13] (*the interconnection between the devices*);

the structure being subdivided into a grid or other pattern defining a matrix or series of identifiable spatial coordinates [c. 3, l. 24-5] (*claim 1, step b*);

selecting, via a computer keyboard [c. 11, l. 35], and displaying [c. 12, l. 22], pathways of the various identifiable cables by an origin, a destination, and at least one intermediate "way point" [c. 3, l. 25-7] (*steps a and c*);

performing computerized diagnostics on the carrier and connections for trouble-shooting purposes [c. 14, l. 6-15] (*step d*); and

utilizing the invention in numerous applications in a wide range of building and mechanical structures [c. 3, l. 11-8] (*step c*).

In regard to claim 2, Collier discloses origins, destinations and way points [c. 3, l. 26-7].

In regard to claim 3, laying out a plurality of paths to be followed by various carriers within a grid [c. 3, l. 24-5].

In regard to claim 4, determining the intended locations of various carriers within the structure, including the end connectors [c. 5, l. 13].

In regard to claim 5, coordinate points requiring the cable path to turn [c. 10, l. 48-62].

In regard to claims 6 and 7, Collier discloses the connectorization of the cable [c. 5, l. 13].

In regard to claim 8, determining the carrier location in view of relocating it [c. 8, l. 64-7].

In regard to claim 9, using a computer to transmit code designations [c. 1, l. 35].

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In regard to claim 10, while Collier does not explicitly disclose these limitations, the examiner respectfully posits that identifying the characteristics of the sheathed cables or other conductors or carriers [c. 4, l. 65] would inherently include electromagnetic characteristics.

In regard to claims 11 and 20-3, performing diagnostics on the carriers and connections for trouble-shooting purposes [c. 14, l. 6-15].

In regard to claim 12, determining paths through walls [c. 2, l. 32].

In regard to claim 13, while Collier does not explicitly disclose these limitations, the examiner respectfully posits that the ability to exchange information between different computer programs is old and well known in the computer arts.

In regard to claim 14, the limitations of this claim was discussed in the rejection of claims 10 and 11, and are therefore considered rejected for the reasons as set forth above.

In regard to claims 15, 16, 18 and 19, pre-assigning and classifying the individual characteristics and/or location of any one or more carrier elements according to a preset plan [c. 1, l. 12-5].

In regard to claim 17, the limitations of this claim was discussed in the rejection of claims 10 and 16, and are therefore considered rejected for the reasons as set forth above.

In regard to claim 24, encoding the cable or wire [c. 1, l. 43].

In regard to claim 25, a wiring harness [c. 13, l. 30].

Response Guidelines

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

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5. Any response to the Examiner in regard to this non-final action should be

directed to: Russell Frejd, telephone number (703) 305-4839, Monday-Friday from 0630 to 1500 ET, or the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Date: 21-March-2004

RUSSELL FREJD

**RUSSELL FREJD
PRIMARY EXAMINER**